



State of Tennessee
PUBLIC CHAPTER NO. 820

SENATE BILL NO. 1391

By Tate, Gardenhire, Bowling, Burks

Substituted for: House Bill No. 1295

By Weaver, Watson, Rich, John DeBerry, Womick, Lundberg, Rogers, Sexton, Bailey, Harry Brooks, Eldridge, McManus, Matheny, Roach, Shipley, Coley, Hardaway, Lollar, Floyd, Powers, Doss, Carter, Shepard, Todd, Lynn, Hawk, Spivey, Travis, Goins, Littleton, Mark White, Wirgau, Mitchell, Dean, Hall, Ryan Williams, Durham, Ragan, Kane, Lamberth

AN ACT to amend Tennessee Code Annotated, Title 39, relative to criminal law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-107(c), is amended by inserting the word "lawful" before the word "act" and inserting the word "lawful" before the word "omission".

SECTION 2. Tennessee Code Annotated, Section 39-13-107(c), is amended by designating the existing language as subdivision (c)(1) and by adding the following new subdivisions:

(2) Notwithstanding subdivision (c)(1), nothing in this section shall preclude prosecution of a woman for assault under § 39-13-101 for the illegal use of a narcotic drug, as defined in § 39-17-402, while pregnant, if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant.

(3) It is an affirmative defense to a prosecution permitted by subdivision (c)(2) that the woman actively enrolled in an addiction recovery program before the child is born, remained in the program after delivery, and successfully completed the program, regardless of whether the child was born addicted to or harmed by the narcotic drug.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it and shall cease to be effective July 1, 2016.

SENATE BILL NO. 1391

PASSED: April 9, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 29th day of April 2014



BILL HASLAM, GOVERNOR

ADDENDUM TO SENATE BILL 1391

This bill has an effective date of April 28, 2014 in accordance with Article III, Section 18 of the Constitution of the State of Tennessee.